IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36094 of 2007(V)

PETITIONER:

PRATHIYATH KUNHIKANNAN, S/O.VELUTHAMBU,
ONAKUNNU, KARIVELLUR, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE SECRETARY,
KARIVELLUR-PERALAM GRAMA PANCHAYATH,
KARIVELLUR, KANNUR DISTRICT.

2. THE KARIVELLUR-PERALAM GRAMA PANCHAYAT
KARIVELLUR, KANNUR DISTRICT,
REPRESENTED BY ITS SECRETARY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 36094 OF 2007

DATED THIS THE 6TH DECEMBER , 2007

J U D G M E N T

I do not propose to decide the merits of the petition wherein the petitioner seeks a direction to the first respondent Panchayat to assign door number to the building constructed by him on the basis of Ext.P9 application. Another prayer sought for in the writ petition is to quash Ext.P6 order. By Ext.P6 order the Panchayat informed the petitioner that his building violates Section 220 (b) of the Panchayat Raj Act. Sri. M.Sasindran, counsel for the petitioner brought to my attention to a decision of this Court in **Thomas Paul & Another v. State of Kerala, 2007 (1)K.L.T.267** and submits that the road on which the building stands constructed has not been notified and hence Section 220(b) of the Act will not apply. He further points out that substantial portion of the ground floor was completed in 1989 and the remaining portion of three rooms was completed in 1994 and that the entire ground floor has been constructed prior to 30-3-2000 when proviso to Section 220(b) was introduced in the statute. For this reason also, according to the learned counsel, Section 220(b) will not apply to this building. Considering the apparent merit noticed in the above submissions, I direct the respondent Panchayat not to be

influenced by the observations and findings in Ext.P6 and to hear the petitioner and take a decision on Ext.P9. The decision as directed above will be taken by the Panchayat at the earliest and at any rate within three weeks from the date of receipt of a copy of this judgment together with a copy of this writ petition and any judicial precedents on which the petitioner may request the Panchayat rely on. The writ petition is disposed of as above.

Sd/-

(PIUS C.KURIAKOSE, JUDGE)

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P.S.TO JUDGE